

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent Application of:  
Eileen Tozer

Application No.: 10/624,909

Filed: July 21, 2003

Art Unit: 1637

For: Fluorescent Proteins, Nucleic Acids Encoding  
Them, and Methods for Making and Using Them

Examiner: Angela Marie Bertagne

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NONCOMPLIANT AMENDMENT**

Dear Sir:

Responsive to the Office Communication of November 13, 2008, a Notice of Non-Compliant Amendment addressing Applicants' response to the Non-Final Office Action e-filed on July 24, 2008, Applicants respectfully request entry of the amendments and consideration of the remarks set forth herein. A response to this Communication was initially due on December 13, 2008. Accordingly, this Response is timely.

Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 16 of this paper.

The following documents are enclosed herewith:

- Transmittal